IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Crl.Rev.Pet.No. 585 of 2000()

CRA.277/1999 of III ADDL.SESSIONS COURT, ERNAKULAM
CC.451/1997 of JUDL.MAGISTRATE OF FIRST CLASS, KOLENCHERRY

.....

REVN. PETITIONER: APPELLATE/ ACCUSED

ELIYAS, AGED 58 YEARS,
S/O.CHACKO, MANGALATHU VEEDU,
PAMPAKUDA, ONAKKOOR VILLAGE,
MUVATTUPUZHA.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: RESPONDENTS/ COMPLAINANT
---

1. **THE EXCISE INSPECTOR, PIRAVOM EXCISE RANGE, PIRAVOM, ERNAKULAM DISTRICT.**

2. **STATE OF KERALA REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.585/2000

ORDER ON CRL.MP. NO.3280/2000 IN CRL.RP. NO.585/2000

DISMISSED

27.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

K.R.UDAYABHANU, J

Crl.R.P.No.585 of 2000

Dated this the 27th day of July, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 58 of the Abkari Act and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.15,000/- and in default, to undergo simple imprisonment for two months.

2. The prosecution case is that the accused was found carrying 5 bottles of, 180 ml. each, illicit liquor on 15.5.1997 at about 3.30 p.m. Counsel for the revision petitioner has only pleaded for modification of the sentence pointing out that since the date of the incident more than ten years have elapsed and that so far the accused has been facing the ordeal of the criminal proceedings and that he undergone untold miseries.

3. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.15,000/-, less the amount if any deposited, and in default, to undergo simple imprisonment for two months. Revision petitioner

is granted two months' time from today onwards to remit the fine amount. Revision petitioner shall appear before the Judicial First Class Magistrate Court, Kolencherry on 29.9.2007 to receive the sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl